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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of

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Implementation of the
Pay Telephone Reclassification
and Compensation Provisions of the
Telecommunications Act of 1996

)
)
) CC Docket
) No. 96-128
)
)

**AT&T Opposition to PocketScience's Petition for
Reconsideration**

Pursuant to the Commission's Public Notice (FR 32047,
June 15, 1999), AT&T Corp. ("AT&T") hereby submits its
opposition to the petition for reconsideration of the
Commission's Third Report and Order ("Third Report") filed
by PocketScience, Inc.¹

PocketScience's petition raises no issues or facts
that were not or could not have been addressed earlier in
this proceeding, and should thus be denied in its entirety.²

¹ By subsequent notice DA 99-1266 (June 25, 1999) the
Commission deferred the pleading cycle of the petition of
the Colorado Payphone Association.

² E.g., Regulatory Policy Regarding the Direct Broadcast
Satellite Service, 94 F.C.C.2d 741 (1983), para. 11
("petitions for reconsideration are not granted for the

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Rather, the petition simply rehashes two arguments the Commission has already fully addressed. First, PocketScience (pp. 2-5) argues that the Commission should establish different compensation rates for payphones in different locations. Second, it (pp. 5-9) asks the Commission to adopt a compensation rate that is based on the duration of individual calls. Both of these issues have already been fully briefed and rejected by the Commission.

Numerous parties suggested from the outset that the Commission impose non-uniform rates in setting the default payphone compensation. Indeed, the whole rationale for the ill-fated "top-down" and "market based" compensation rate -- which the Commission has never been able to support -- is that different rates might apply at different phones. The fact that PocketScience (p. 4) "objects" to the Commission's rulings is not a basis for the Commission to reconsider its decision now.

Similarly, PocketScience's assertion (p. 7) that AT&T's estimates of the costs for establishing are "patently unbelievable" is supported only by arguments, not facts. The mere fact that AT&T typically bills customers

purpose of debating matters which have already been fully considered and substantively settled") (citations omitted).

on a durational basis has no bearing on the fact that AT&T's *payphone compensation systems* are not capable of calculating payphone compensation on such a basis. The Commission properly rejected these very same suggestions in the past,³ and there is no reason - or factual basis - upon which the Commission should change its rules now.⁴

Moreover, the changes PocketScience proposes would make the carriers' already complex tracking and payment mechanisms even more complicated. Indeed, the various disputes that have arisen among PSPs and carriers over payment obligations demonstrate that no additional complexity for these processes is warranted. A single default payment mechanism applicable to all payphones and to all types of calls is all that is needed.

³ E.g., Third Report, ¶¶ 97 (noting that "because most payphone costs are fixed, they do not vary with the length of the call) & 98 ("a duration-based methodology would result in added expense, delay and confusion").

⁴ Notably, no PSPs argue that such a change should be implemented, and APCC specifically opposed application of a duration-based compensation system (see Third Order, ¶ 95

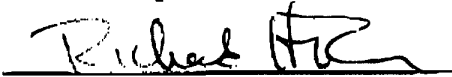
Conclusion

For the reasons stated above, PocketScience's petition should be denied.

Respectfully submitted,

AT&T Corp.

By



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